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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/694,041	10/28/2003	You-Sub Lee	1572.1136	3880

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EXAMINER

KING, ANITA M

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 12/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/694,041

Applicant(s)

LEE ET AL.

Examiner

Anita M. King

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 October 2003.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-4, 8, 11, 12, 14, 18 and 38-48 is/are rejected.
7) ☒ Claim(s) 5-7, 9, 10, 13, 15-17 and 19-37 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 28 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10/28/03.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

This is the first office action for application number 10/694,041, Stand for Display, filed on October 28, 2003.

Specification

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: a damping pot, in claim 42.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 47 and 48 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 47 recites the limitation "the cylinder" in line 13. There is insufficient antecedent basis for this limitation in the claim.

Claim 48 recites the limitation "the supporting member" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 4, 8, 11, 14, 18, and 38-46 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 2,628,142 to Dubach. Dubach discloses a stand (1) comprising: a base (2); a supporting case mounted on the base; a supporting member (13) having first and second end, disposed inside the supporting case, the second end being rotatable seated on the base; a mounting bracket (19), engaged with the first end of the supporting member; a base plate (3, 4); a seating part (7) having an engaged opening to engage the supporting case; a supporting trunk part (8), that the supporting member passes through; a supporting guide (14), located at a first end of the supporting case, to guide the supporting member; wherein the supporting members comprises a supporting shaft (20, 21) passing through the supporting case and a bracket engaging part (19') positioned on a first end of the supporting shaft, that engages the mounting bracket; a dampening pot (21 and 25); and the supporting member compresses and extends along an axis perpendicular to the base.

Claim 47 is rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,751,548 to Hall et al., hereinafter, Hall. Hall discloses a stand (10) comprising: a base (18); a cylinder part (83, 85) having first and second ends, the second end being seated on the base, and having an axis that is perpendicular to the base; a rotating case (91) that engages the second end of the cylinder part; a mounting bracket (81) that engages the second end of the cylinder part and engages the rotating case; a display mounting part (42'), on which a display is mounted, that engages the mounting bracket;

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and wherein when a force of predetermined magnitude is applied to a side of the display, the force is serially transferred from the display to the display mounting part, the mounting bracket, and the rotating case, resulting in rotation of the rotating case about the axis of the cylinder part.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dubach in view of U.S. Patent 6,499,704 to Oddsen, Jr., hereinafter, Oddsen. Dubach discloses the claimed invention except for the limitation of the base plate having an extending part and first and second covers. Oddsen teaches a base having a base plate (20), wherein the base plate further includes an extending part, extending from the base plate, to increase stability of the base, and first and second covers (sides extending down from the center area, 35) respectively disposed on opposite sides of the base plate. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the base in Dubach to have included the base as taught by Oddsen for the purpose of providing an alternative, mechanically equivalent means for supporting the stand on a horizontal surface.

Allowable Subject Matter

Claims 7, 9, 10, 13, 15-17, and 19-37 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 48 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 2,041,370 to Pottorff

U.S. Patent 4,329,800 to Shuman

U.S. Patent 4,339,104 to Weidman

U.S. Patent 4,395,010 to Helgeland et al.

U.S. Patent 4,690,362 to Helgeland

U.S. Patent 4,777,750 to Garfinkle

U.S. Patent 5,012,852 to Blackhurst

U.S. Patent 5,911,523 to Burchart

U.S. Patent 6,189,842 to Bergeron Gull et al.

U.S. Patent 6,381,125 to Mizoguchi et al.

U.S. Patent 6,585,201 to Reed

U.S. Patent Application Publication 2003/0075649 to Jeong et al.


U.S. Patent 6,702,238 to Wang

The above patents all disclose various types of adjustable stands.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anita M. King whose telephone number is (703) 308-2162. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie A. Braun can be reached on (703) 308-2156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Anita M. King
Primary Examiner
Art Unit 3632

December 27, 2004